

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Action

**MOTION OF GREGORY O. WIGGINS FOR APPOINTMENT TO
PLAINTIFFS' EXECUTIVE COMMITTEE**

The undersigned, Gregory O. Wiggins, moves for appointment to Plaintiffs' Executive Committee in 14-MD-2543, *In re: General Motors, LLC Ignition Switch Litigation*.¹

The most important factor in establishing leadership in any complex litigation is to create a group of outstanding attorneys who are capable of working together effectively. "The just and

¹At the outset, I wish to advise the Court that I respectfully recommend that Harley S. Tropin, Peter Prieto and Jack Scarpola also be appointed Co-Lead Counsel in accordance with the leadership structure adopted by this Court. Harley Tropin has significant experience in MDL litigation, specifically handling cases such as *Klay v. Humana, Managed Care Litigation* and *Rothstein: Razorback Funding, LLC, et al. v. Scott W. Rothstein, et al.*, 09-062943 (07)(17th Cir. Fa). Peter Prieto has significant experience in MDL litigation, currently serving on the Plaintiffs' Executive Committee in *In Re: Checking Account Overdraft Litigation*, MDL No. 2036, and as Chair of the Experts Committee in *In Re: Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406. And Jack Scarola has been recognized as one of the Top 500 Lawyers in the United States and the Top 100 Lawyers in Florida, and he has been responsible for over 50 verdicts and settlements in excess of one million dollars.

In addition, Tropin and his firm developed a coalition of 13 firms representing 135 plaintiffs in 33 states. All of those firms (Whatley Kallas LLP; Hiden, Rott & Oertle, LLP; Harke Clasby & Bushman LLP; Searcy Denney Scarola Barnhart & Shipley, P.A.; Freidin, Dobrinsky, Brown & Rosenblum P.A.; Wiggins, Childs, Pantazis, Fisher & Goldfarb; Merlin Law Group, P.A.; Archie Lamb & Associates, P.A.; Fuerst Ittleman David & Joseph, PL; Gray & White; Rivero Mestre LLP; Higer Lichter & Givner LLP; and Otterbourg, Steindler, Houston & Rosen, P.C.) support the requested appointments.

I also respectfully recommend that Adam M. Moskowitz of KTT be appointed to Plaintiffs' Executive Committee. Mr. Moskowitz is a premiere class action and RICO attorney with the knowledge and ability to effectively and efficiently prosecute these claims.

Finally, I respectfully recommend that Melanie Cyganowski be appointed "New York Liaison Counsel." Ms. Cyganowski has served as Liaison Counsel for all plaintiffs in the GM bankruptcy proceedings for the past four months, and I have the utmost respect for her legal abilities and professionalism.

efficient resolution of this case may depend in large part upon the way the attorneys comport themselves and how they overcome conflicts.” *Annotated Manual for Complex Litigation* §10.23 (4th ed. 2009), quoting *Northern Indiana Public Service Co. v. Certain Underwriters at Lloyd’s London*, 1996 WL 115466 (N.D. Ind. 1996). Having taken the provisions of the *Manual* to heart and as demonstrated by his prior leadership in similar cases, Greg Wiggins has been very effective in working in complex litigation to achieve significant results.

As demonstrated herein, Mr. Wiggins and his firm have significant experience in handling complex class/collective actions, possesses in-depth knowledge of the applicable law and regularly advances substantial out-of-pocket litigation costs and is thus well-suited to commit to and to efficiently prosecute this complicated MDL litigation in a timely manner. His appointment to Plaintiffs’ Executive Committee is both warranted and appropriate.

Mr. Wiggins has already devoted substantial time and resources in investigating the claims on behalf of Plaintiffs who purchased one or more of the vehicles recalled by the defendant which are the subject of this multidistrict litigation. In addition to investigating these cases, Mr. Wiggins and his firm have filed three (3) Federal court cases against the defendant named in this litigation across the country and have devoted significant attorney time and resources in pursuing all of these actions. Currently, Mr. Wiggins represents over 125 plaintiffs in the 3 cases he has filed. Further, Mr. Wiggins has over 20 years’ experience in representing consumers. He has represented clients in complex litigation in major courts across the Country, including the United States Supreme Court. Wiggins Childs has offices in Birmingham and Mobile, Alabama; Washington, DC; DeLand, Florida; and Nashville, Tennessee, and employs an experienced team of attorneys and staff supported by a powerful and efficient infrastructure.

Mr. Wiggins and/or his firm has served in leadership positions on a multitude of cases. A partial list includes the following cases:

- *In re Blue Cross Blue Shield Antitrust Litigation* (N. D. AL, MDL No. 2406);
- *Rick Love, M.D., et al. v. Blue Cross and Blue Shield Association, et al.* (SD. Fla., Case No. 03-21296-CIV);
- *In re Managed Care Litigation* (S.D. Fla. MDL-2000);
- *In Re: American General Life and Accident Insurance Company - Industrial Life Insurance Litigation* (Dist. of SC, Columbia Div., 2001);
- *In Re: Terrorist Attacks on September 11, 2001* (S.D. NY 2003);
- *In Re: Pharmacy Benefit Managers AntiTrust Litigation* (E.D. PA 2006);
- *In Re: Comcast Corp. Set-Top Cable Television Box Anti-Trust Litigation* (E.D. Pa. 2009);
- *Parsons v. Bright House Networks, Inc.* (N.D. AL, Case No. 2:09-cv-00267-AKK);
- *In re Riddell Concussion Reduction Litigation* (U.S. District Ct., District of NJ, Case No. 13-7585); and
- *In Re: Family Dollar Stores, Inc. Wage and Hour Employment Practices Litigation*, MDL No. 1932

Wiggins Childs Pantazis Fisher Goldfarb, Advocates & Litigators (Wiggins Childs), formerly known as Wiggins, Childs, Quinn & Pantazis, LLC, is a major litigation firm with offices in Birmingham, Alabama; DeLand, Florida; Washington, D.C.; Mobile, Alabama; and Nashville, Tennessee. Since its formation in 1985, the Firm has taken on industry giants throughout the USA, including Winn-Dixie, Cracker Barrel Old Country Stores, Family Dollar Stores, Dollar Tree Stores, Inc., Dollar General, Fred's Stores of Tennessee, Aaron's Rents, Merck, J. P. Morgan Chase, U. S. Pipe and Foundry Company, Pittsburgh Plate Glass, Goody's, Kroger, South Central Bell, U. S. Steel Corporation, all of the HMO's, and all of the major railroads. There were eleven lawyers, including founding members Robert L. Wiggins, Jr., Robert F. Childs, Jr., C. Michael Quinn and Dennis G. Pantazis, at the formation of the Firm. The Firm has expanded to over 35 lawyers today. In addition to employment discrimination, the Firm emphasizes in complex litigation of all types, including environmental liability, securities, Fair Labor Standards Act, Title VII and EPA wage/hour cases, anti-trust, contract, commercial, products liability, personal injury, civil rights, trade secrets,

business torts and health cases.

NOTEWORTHY CASES²

- ◆ *In re Blue Cross Blue Shield Antitrust Litigation* (N. D. AL, MDL No. 2406), Wiggins Childs attorneys are currently serving as members of Provider Plaintiffs' Steering Committee representing physicians in the multidistrict litigation against numerous Blue Cross entities.
- ◆ *Rick Love, M.D., et al. v. Blue Cross and Blue Shield Association, et al.* (SD. Fla., 03-21296-CIV), Wiggins Childs attorneys served as members of Plaintiffs' Steering Committee representing physicians, physician groups and physician organizations against Blue Cross and Blue Shield Association and numerous Blues Parties in federal court in Miami, Florida. Plaintiffs' lawyers negotiated settlement that provided over one billion dollars in value to the class.
- ◆ *In re Managed Care Litigation* (S.D. Fla. MDL-2000), Wiggins Childs attorneys served as members of Plaintiffs' Steering Committee representing 600,000 physicians in the multidistrict litigation against HMO's in federal court in Miami. The plaintiffs' lawyers negotiated settlement from five of the defendants that provided over one billion dollars in value to the class.
- ◆ *Reynolds v. Alabama Department of Transportation* (M.D. Ala. 2001), The firm settled a 16 year old bias suit against The Alabama Department of Transportation in September 2001 for a total of \$59.8 million. The deal included two settlements: \$46 million to 2,400 black employees and \$8.4 million to an undeterminable number of white employees who intervened in the suit after the original filing. Wiggins Childs represented the black employees.
- ◆ *Moore v. Norfolk Southern Corp.* (N.D. Ala. 2001), Virginia-based Norfolk Southern Corp. agreed to pay \$28 million to settle charges of racial discrimination against 7,700 black employees who were allegedly denied advancement. Nine named plaintiffs sued the railway company in 1993 and the suit was certified as a class action in 1995. Norfolk also agreed to spend another \$2.6 million on a program to correct its advancement procedures.
- ◆ ** *Morgan, et al. v. Family Dollar Stores* (551 F. 3d 1233; N.D. Ala. 2001), the Eleventh Circuit recently affirmed a \$35 million award for store managers against Family Dollar Stores. Wiggins Childs was lead counsel both in the trial and on appeal.
- ◆ *In Re: American General Life and Accident Insurance Company - Industrial Life Insurance Litigation* (Dist. of SC, Columbia Div., 2001), In 2002, Wiggins Childs attorneys were named to Plaintiffs' Steering Committee representing a class of individuals, who were sold an insurance policy wherein they were charged a higher premium based on race.
- ◆ *In Re: Terrorist Attacks on September 11, 2001* (S.D. NY 2003), In 2004, Wiggins Childs attorneys were named to Plaintiffs' General Steering Committee representing families of those individuals who were killed during the terrorist attacks on September 11, 2001.
- ◆ *Ledbetter v. Goodyear Tire & Rubber* (Supreme Court No. 05-1074; 550 U.S. 618 2007; N.D. Ala. 1999; rev'd, 421 F. 3d 1169 (11th Cir. 2005), *cert* granted, 548 U.S. __ 2006), the Firm was lead counsel in the Trial and before the U.S. Supreme Court; the case was eventually foundation for the first bill signed by President Obama extending the statute of limitation rights and naming the bill the *Ledbetter Act*.
- ◆ *In Re: Pharmacy Benefit Managers AntiTrust Litigation* (E.D. PA 206), In 2007, Wiggins Childs attorneys were named to Plaintiffs' Steering Committee representing a class asserting antitrust conspiracies against three (3) National PBMs.

²The cases which have 2 ** indicate cases where Mr. Wiggins was lead and/or co-lead counsel.

- ◆ ** *Chapman, et al. v. Fred's Stores of Tennessee*, From 2008 - current, Wiggins Childs attorneys are lead counsel representing over 175 current and former Assistant Store Managers in an EPA collective action.
- ◆ ** *In Re: Family Dollar Stores, Inc. Wage and Hour Employment Practices Litigation*, MDL 1932, From 2008-2014, Wiggins Childs attorneys were lead counsel representing over 150 current and former Store Managers in an FLSA case.
- ◆ ** *Scott, et al. v. Family Dollar Stores, Inc.*, In 2008, Wiggins Childs attorneys are lead counsel representing a Title VII and EPA class of current and former female Store Managers.
- ◆ ** *Ziegler, et al. v. Fred's Stores of Tennessee; Atchison, et al. v. Fred's Stores of Tennessee*, In 2009-2012, Wiggins Childs attorneys were lead counsel representing over 600 current and former Assistant Store Managers in an FLSA case. Both cases were settled out of court.
- ◆ *In Re: Comcast Corp. Set-Top Cable Television Box Anti-Trust Litigation* (E.D. Pa. 2009), in 2009, Wiggins Childs attorneys were named to Plaintiffs' Steering Committee representing individuals who purchased Premium Cable from Comcast and who were forced to rent a set-top box distributed by Comcast.
- ◆ *Parsons v. Bright House Networks, Inc.* (N.D. AL, Case No. 2:09-cv-00267-AKK), Wiggins Childs attorneys are co-lead counsel representing persons who subscribed to Bright House ("BHN") for digital cable and paid BHN a monthly rental fee for an accompanying set-top box.
- ◆ ** *Womack, et al. v. Dollar General Stores*, Wiggins Childs attorneys were lead counsel representing over 2,000 current and former female Store Managers in this Title VII and EPA class action.
- ◆ *In re Riddell Concussion Reduction Litigation* (U.S. District Ct., District of NJ, Case No. 13-7585), in 2014, Wiggins Childs attorneys were appointed Co-Lead Class Counsel to act on behalf of the Plaintiffs and the putative Class against Riddell for its false and deceptive advertising of its Revolution football helmets.
- ◆ ** *Kunstmann, et al. v. Aaron's Rents*, (N.D. AL, Case No. 2:08-cv-01969-KOB-JEO), in 2014 Wiggins Childs attorneys represent approximately 225 former and current General Managers in a FLSA collective action regarding mis-classification of its General Managers.

The appointment of Mr. Wiggins to Plaintiffs' Executive Committee is supported by his experience and abilities.

WHEREFORE, I, Gregory O. Wiggins, respectfully request this Court to appoint me as a member of Plaintiffs' Executive Committee in 14-MD-2543, *In re: General Motors, LLC Ignition Switch Litigation*.

RESPECTFULLY SUBMITTED,

/s/Gregory O. Wiggins
Gregory O. Wiggins

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CERTIFICATE OF SERVICE

I do hereby certify that I have on this the 28th day of July, 2014, filed a copy of the above and foregoing via the Electronic Court Filing System and is available for download by all parties to this action.

/s/Gregory O. Wiggins
OF COUNSEL